

City of Detroit


CITY COUNCIL

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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 

DATE: March 22, 2006

RE: **REQUESTS FOR CITY LOBBYIST AND STATE
REPRESENTATIVES TO APPEAR BEFORE THE DETROIT
CITY COUNCIL**

Per the Honorable Body's request, the City Council Research and Analysis Division (RAD) contacted the City of Detroit Lansing Lobbyist, Ken Cole. He indicated that he is available to appear on either Friday, March 24, 2006 (preferred) or Monday, March 27, 2006.

State Representative Steve Tobocman indicated that he is not available on Monday, March 27, 2006 or Friday, March 27, 2006 due to prior commitments. He also indicated that he would prefer not to appear without State Representative Tupac Hunter, who was the sponsor of the bill.

The resolutions requested by Your Honorable Body concerning the two pending state bills regarding port authorities.

Attachment

BY COUNCIL MEMBERS: _____

- WHEREAS** Pursuant to the Detroit Home Rule Charter's Declaration of Rights, "The people have a right to expect aggressive action by the city's officers in seeking to advance, conserve, maintain and protect the integrity of the human, physical and natural resources of this city from encroachment and/or dismantlement"; and
- WHEREAS** Any new laws passed by the State of Michigan legislatures should be legal, and if challenged in court should hold up to constitutional challenges; and
- WHEREAS** Public properties when managed and operated, should be for a public purpose as required under State and Federal law; and
- WHEREAS** House Bills 5028 and 5029, as written, may violate certain provisions of the Michigan and U.S. Constitutions; and
- WHEREAS** House Bill 5028's authorized purposes which include, "activities that enhance, foster, aid, provide, or promote transportation, economic development, housing, recreation, education, governmental operations, culture, or research within this state" is overly broad in its purposes and powers, possibly encroaching on individual rights and local government's efforts toward economic development and other rights under the Michigan Constitution; and
- WHEREAS** House Bill 5029 "authorized purposes means activities that enhance, foster, aid, provide, or promote transportation, economic development, housing, recreation, education, governmental operations, culture, or research within this state" greatly expands the powers and amends the purposes of the Hertel-Law-Stopczynski Port Authority Act, P.A. Act 639 of 1978, beyond that allowed under the Michigan Constitution; and
- WHEREAS** House Bill 5029, by going well beyond its original jurisdiction for ports, greatly interferes with the local government's powers and authority as granted under the Michigan Constitution, especially in regard to budgets, taxes and disposition of public properties as granted to home rule cities; and
- WHEREAS** House Bill 5028 and especially House Bill 5029 is without safeguards to prevent private entities from exercising governmental powers without governmental oversight and control, which could lead to an unfair competitive advantage over other public and private developments, possible in violation of the U.S. Constitution; and
- WHEREAS** House Bill 5029 is not in the public interest and would be detrimental to border security and public safety by allowing the control of port projects to be in the hands of a private entity with inadequate government oversight and control; and

- WHEREAS** Representatives from the community including the Downriver Community Conference, a consortium of nineteen Downriver communities in Wayne County and the Southern Wayne County Downriver Region, which represents businesses in 21 communities in southern Wayne County also agree with the Detroit City Council in their opposition House Bills 5028 and 5029. **NOW THEREFORE BE IT**
- RESOLVED** That the Detroit City Council, in order to fulfill its legislative responsibilities, opposes House Bills 5028 and 5029 on constitutional issues presented and because it is detrimental to the 900,000 plus citizens in the City of Detroit and the State of Michigan; and **BE IT FURTHER**
- RESOLVED** That all powers originally granted to state and local governments under the Hertel-Law-Stopczynski Port Authority Act, P.A. Act 639 of 1978, including but not limited to legislative budgetary and plan approvals, be fully restored, and **BE IT FINALLY**
- RESOLVED** That Detroit City Council encourages the Michigan Senate and Governor Jennifer Granholm to vote in opposition to House Bills 5028 and 5029.